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Report of the Secretary-General on the situation in Abkhazia, Georgia

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1554 (2004) of 29 July 2004, by which the Council decided to extend the mandate of the United Nations Observer Mission in Georgia (UNOMIG) until 31 January 2005. It provides an update of the situation in Abkhazia, Georgia, since my report of 14 July 2004 (S/2004/570).

2. My Special Representative for Georgia, Heidi Tagliavini, continued to head UNOMIG. She was assisted in this task by the Chief Military Observer, Major General Hussein Ghobashi (Egypt). The strength of UNOMIG on 1 October 2004 stood at 117 military observers and 11 civilian police officers (see annex).

II. Political process

3. During the reporting period, the Mission, led by my Special Representative, continued its efforts to promote stability on the ground and facilitate the dialogue between the Georgian and Abkhaz sides on economic cooperation, the return of refugees and internally displaced persons, and political and security matters — the three sets of issues identified as priority areas at the United Nations-chaired high-level meetings of the Group of Friends at Geneva (see S/2004/315, paras. 5-7). The Group of Friends continued to support these efforts, which were complemented by the so-called Sochi working groups, which implement agreements between the President of the Russian Federation and the President of Georgia reached in Sochi in March 2003 (see S/2003/412, para. 5). These concerted activities are aimed at facilitating meaningful negotiations between the Georgian and Abkhaz sides on the basis of the paper entitled "Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi" and its transmittal letter (see S/2002/88, para. 3).

4. My Special Representative maintained regular, frequent contacts with the two sides at the highest level, with the Group of Friends' representatives in their respective capitals and in Tbilisi, and with representatives of the Organization for Security and Cooperation in Europe (OSCE) in an effort to maintain momentum in the peace process.

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5. On 21 September, I met in New York with President Mikheil Saakashvili to discuss the situation in Georgia. I noted the challenges that Georgia and the region had faced during the preceding months and stressed my commitment to work with the parties to the Georgian-Abkhaz conflict. Mr. Saakashvili underlined the importance of the continuing involvement of the United Nations and suggested elements for a solution of Georgia's internal conflicts, such as confidence-building measures, demilitarization of the conflict zone and the widest possible autonomy for Abkhazia with international guarantees. He reiterated these elements in his address to the General Assembly at its fifty-ninth session. On 16 August, President Saakashvili wrote to me to express his deep concern over the situation in South Ossetia, reiterating that the Government of Georgia firmly rejects the use of force as a means for conflict resolution.

6. Following the acceptance by both sides of the recommendations of the feasibility study led by the United Nations Development Programme (UNDP) for the Gali, Ochamchira and Tqvarcheli districts (see S/2004/570, para. 8, and S/2004/26, para. 10), UNDP, in close collaboration with UNOMIG, is initiating its rehabilitation programme, which will focus on agriculture, health, water and sanitation, capacity-building for non-governmental organizations and coordination of rehabilitation efforts. UNOMIG and UNDP are finalizing an agreement with the European Union, which is ready to contribute to the UNDP rehabilitation efforts and to the UNOMIG trust fund for quick-impact projects for rehabilitation in the zone of conflict.

7. On 20 July, the Russian Federation convened a meeting of the Sochi working group on the return of refugees and internally displaced persons. My Special Representative, representatives of the Office of the United Nations High Commissioner for Refugees (UNHCR), and the Commander of the collective peacekeeping forces of the Commonwealth of Independent States (CIS) participated in the meeting. The Georgian and Abkhaz sides again discussed the draft letter of intent, prepared jointly by UNOMIG and UNHCR and endorsed by the Group of Friends at Geneva in February 2004 (see S/2004/315, para. 5). However, they remained unable to agree on the text and again undertook to work on agreeable formulations before the next meeting planned for November. The sides also discussed the UNHCR draft concept paper on registration of the returnees in the Gali district and agreed to exchange more substantial comments prior to the next formal meeting. Both sides again confirmed their support for the direct involvement of UNOMIG and UNHCR in the return process.

8. On 30 July, a Georgian coast guard vessel fired on a foreign cargo ship in the coastal waters near Sukhumi, in what Georgia regarded as a law enforcement action to assert control over its internationally recognized territorial waters in the Black Sea, including international shipping to and from seaports in Abkhazia, Georgia. On the following day, the Abkhaz authorities announced the suspension of their participation in the negotiation process and called for an investigation into and a legal assessment of the incident by the United Nations, the CIS peacekeeping force and the broader international community as a precondition for their return to the negotiating table. The Abkhaz side also suspended its participation in the ceasefire monitoring and security-related mechanisms, including the weekly quadripartite meetings and the joint fact-finding group.

9. My Special Representative initiated meetings with both sides and issued a statement, urging the sides to seek resolution of such incidents exclusively through negotiations and reiterated her offer to assist them by convening a meeting on maritime issues, made at the meeting on security guarantees held on 20 May at Sukhumi (see S/2004/570, para. 5). She also urged them to refrain from any unilateral action that could negatively affect the peace process or further complicate the situation. In these efforts, she had the active support of the Group of Friends, which held high-level meetings with the sides in Tbilisi and Sukhumi, urging both sides to adhere to the ceasefire agreement, resume unconditionally the negotiations and address maritime issues at the planned meeting on security guarantees. While the Georgian side responded positively, the Abkhaz side continued to maintain its position. Under these circumstances, the meeting on security guarantees planned for 15 September (ibid.) had to be postponed. In a parallel effort, the Russian Federation offered to convene a meeting on maritime issues on 25 September at Sochi, with the participation of the sides and UNOMIG. That meeting also had to be postponed at the request of the Abkhaz side.

10. During the reporting period, tensions also emerged in the relations between Georgia and the Russian Federation. Georgia officially protested against commercial tourist visits to Abkhazia, Georgia, and the resumption on 10 September, after a 12-year interruption, of the Sukhumi-Sochi-Moscow passenger rail line as violations of Georgia's sovereignty, international law and existing bilateral agreements. It appealed to the international community to help put an end to such acts, particularly in the context of the unilateral withdrawal of the Abkhaz side from the negotiation process. The Georgian side also protested against continued visits to Abkhazia, Georgia, by high-profile Russian politicians. President Putin and President Saakashvili met during the CIS Heads of State Summit in Astana, Kazakhstan, on 16 September to discuss the present state of bilateral relations, including conflict resolution issues. These developments occurred against the background of heightened tension in the wider region after the hostage-taking in Beslan, in the North Ossetian Republic of the Russian Federation, from 1 to 3 September.

11. At Sukhumi, political leaders were preoccupied with the preparations for the de facto presidential elections, which were held on 3 October. At the time of the writing of this report, the final outcome remained inconclusive. In resolution 1255 (1999) the Security Council considered unacceptable and illegitimate the holding of self-styled elections in Abkhazia, Georgia, which took place in the absence of the majority of the population and the determination of the political status of the territory. UNOMIG has maintained this position. The Georgian side warned against legitimization of these elections and regretted outside support for one of the candidates.

III. Operational activities

12. UNOMIG has continued to carry out its mandated activities in the Gali and Zugdidi sectors. Regular patrolling has been conducted in both the security and restricted weapons zones on both sides of the ceasefire line. UNOMIG reported and protested about four violations of the Moscow ceasefire agreement — two by each side. In the Gali sector, UNOMIG observed a T-55 tank in the restricted weapons zone during the annual Abkhaz military exercises on 26 July in the Ochamchira training area. On 29 July, a UNOMIG patrol was denied access to the same area by

the Abkhaz military personnel. In the Zugdidi sector, on 18 August, three 122-mm artillery pieces were observed in the restricted weapons zone in the Kulevi training area and, on 7 September, the CIS peacekeeping force reported an armoured personnel carrier in the security zone, which the Georgian side confirmed.

13. UNOMIG and the CIS peacekeeping force continued limited patrolling in the Abkhaz-controlled lower Kodori Valley. Patrolling in the Georgian-controlled upper Kodori Valley remained suspended for security reasons and because poor road conditions made this part of the valley inaccessible. Discussions continued with the parties and the CIS peacekeeping force on the modalities of resuming patrolling in the upper Kodori Valley, including on security guarantees. Helicopter patrols also remained suspended, while administrative flights continued on authorized flight routes over the Black Sea.

14. No weekly quadripartite meetings could be convened after the suspension by the Abkhaz side of its participation in the peace process on 31 July. The Abkhaz side also suspended its involvement in the joint fact-finding group. Nevertheless, UNOMIG continued to investigate incidents in cooperation with the Georgian side and the CIS peacekeeping force. During the reporting period, seven cases have been completed and await agreement of the parties before being closed; five cases are currently under investigation.

Kodori Valley

15. UNOMIG patrols visited the lower Kodori Valley on 5 August and 2 September, jointly with the CIS peacekeeping force and the Abkhaz side. They observed no signs of unusual activity and reported the situation to be calm. UNOMIG engineers participated in two of the patrols to assess road conditions following heavy rainfalls in August, and to conduct repairs. The patrols confirmed significant damage to the road leading to the so-called broken bridge which marks the divide between the lower and upper parts of the valley and which had been repaired earlier by UNOMIG. In the upper Kodori Valley, the Georgian side reported several over-flights by unauthorized aircraft during the reporting period.

Gali sector

16. The overall military situation has been generally calm in the Gali sector. In addition to conducting their annual military exercises from 26 to 30 July, the Abkhaz authorities reinforced their security presence, especially along the ceasefire line, in the lead-up to the de facto presidential elections on 3 October.

17. At the same time, the number of criminal incidents, particularly in the lower Gali district, has increased compared with the same period in 2003. Overall, five killings, 12 shootings, four abductions and 30 robberies have been reported. The most serious incident involved a shooting between the Abkhaz militia and two unidentified perpetrators in Rechki on 22 July, during which the perpetrators were killed. There were also reports of shootings in the Saberio area and the abduction of a family in Sida 2. The increase in robberies is largely attributed to the beginning of the hazelnut harvest season in August. The decision of the de facto authorities to expel several families in Chuburkindzi whose sons had joined the Georgian army also generated tensions. These families moved to Zugdidi and have not yet returned to their homes because of fear of being victimized by the Abkhaz militia.

Zugdidi sector

18. The overall situation in the Zugdidi sector was generally calm, and the number of criminal incidents reported was relatively low. On 2 September, an exchange of fire between the Georgian police and an armed group was reported near the ceasefire line in Shamgona; no casualties or injuries were sustained by either side. On 15 September, a UNOMIG civilian police officer was robbed at gunpoint at his house in Zugdidi; the local police are investigating.

IV. Police

19. The civilian police component of UNOMIG remained operational only on the Zugdidi side of the ceasefire line, where it continued to receive good cooperation from the local police. It provided police-specific input into the regular quadripartite meetings, until their suspension, and to the investigations of the joint fact-finding group, including forensic assistance. Meanwhile, the refusal by the Abkhaz side to accept the deployment of UNOMIG civilian police in the Gali sector continued to hamper cross-ceasefire line cooperation, to hinder progress in criminal investigations, and to limit the effectiveness of preventive anti-crime efforts.

20. After the donors meeting hosted by UNOMIG on 19 April (see S/2004/570, para. 23), the European Union and the Government of Italy pledged financial contributions in support of UNOMIG efforts to improve the capacity of local law enforcement. A donation of police protective clothing and associated materiel is expected from the Government of Switzerland in November.

21. Following advice that the OSCE Kosovo Police Service School would be unable to host a training course for members of the law enforcement agencies from the Gali and Zugdidi sectors (see S/2004/570, para. 24), my Special Representative is discussing other options and proposals for training abroad. UNOMIG is also continuing preparations for an introductory training programme on the ground and developing a special training programme for members of Georgia's newly created "patrol police".

22. The UNOMIG civilian police also began planning for the reconstruction, funded by the European Union, of a police station in Zugdidi which was destroyed by a criminal group earlier this year. The new building will be a model station, in the context of the wider programme of police reform throughout Georgia. The project will help to complement the planned training courses for the local police with modern facilities and equipment and contribute to promoting the change in the practices and environment of local law enforcement agencies in the zone of conflict. The UNOMIG civilian police have an advisory role in the project. It is envisaged that the facility will also be utilized for regional training of local law enforcement officers and in promoting democratic international policing standards.

23. Other developments include the start of recruitment in some villages of the Gali district in an attempt to increase the representation of ethnic Georgians in local law enforcement agencies. It should be recalled that one of the recommendations of the UNOMIG security assessment mission of 2002 was to considerably increase the ratio of locally recruited staff, including in the higher command echelons (see S/2003/412, para. 16).

V. Cooperation with the collective peacekeeping forces of the Commonwealth of Independent States

24. UNOMIG and the CIS peacekeeping force maintained close cooperation at all levels in performing their respective mandates, including during joint patrols to the Kodori Valley and in areas of the Gali sector. They also maintained close communication and coordination following the Abkhaz suspension of participation in the quadripartite meetings and the joint fact-finding group.

VI. Human rights and the humanitarian situation

25. The human rights situation during the reporting period was influenced by the preparation for the de facto presidential elections; the Abkhaz authorities have deferred all action on major human rights issues until after the "elections". In addition, they were still unable to create an environment of increased respect for human rights conducive to the safe and dignified return of internally displaced persons.

26. The United Nations Human Rights Office in Abkhazia, Georgia, continued to provide free legal advice to the local population and monitor court trials and places of pre-trial detention. In partnership with various regional and international organizations, the Office facilitated and implemented a number of projects aimed at strengthening the non-governmental sector and building local capacity to protect and promote human rights. These included activities under the programme "Assisting communities together", funded by the Office of the United Nations High Commissioner for Human Rights. The Office also continued the implementation of the human rights training programme for the Sukhumi militia school.

27. The human rights situation in the Gali district remained precarious, notwithstanding the increased number of law enforcement personnel on the ground. The culture of impunity prevailed, generating a feeling of insecurity among the local population. Cases of prolonged detention, extortion and use of physical violence by uniformed personnel were reported. On the positive side, the Human Rights Office was able to monitor the trial of three local juveniles who had crossed the ceasefire line without the authorization of the Abkhaz de facto security services, which resulted in their subsequent release.

28. International agencies and non-governmental organizations continued efforts to help vulnerable groups by providing food, medical aid and infrastructure assistance. UNHCR continued to rehabilitate some schools in the Gali district. The United Nations Children's Fund (UNICEF) expanded its regular country programming into Abkhazia, Georgia, by providing immunization supplies, preventative health care, and school kits which were mostly distributed by UNHCR and UNOMIG. The United Nations Development Fund for Women (UNIFEM) continued to promote people-to-people dialogue, women in leadership, and youth and education activities focusing on conflict prevention and resolution as well as gender and peace-building. The United Nations Volunteers programme (UNV) continued to focus on developing the capacity of local non-governmental organizations, peace education and the promotion of small-scale income-generation projects. Since July, UNV has funded four new projects targeted at non-governmental organization capacity-building and peace education. The Swiss

Agency for Development and Cooperation (SDC) funded a new community development project, which benefited 500 families and fostered exchanges among families on both sides of the ceasefire line. It funds a project, implemented by Première Urgence, an international non-governmental organization, to improve the quality of 438 individual and 22 collective houses in Abkhazia, small business development in the Gali district, and a trade and economic development project in eastern Abkhazia, Georgia.

29. The International Committee of the Red Cross (ICRC) continued to visit detention places and collect and distribute Red Cross messages between members of separated families. ICRC supported local authorities, in particular the military, in training in international humanitarian law. It continued to supply five Abkhaz hospitals with emergency surgical material and medicines and to support blood banks in Sukhumi, Agudzera, Tqvarcheli and Gagra and an orthopaedic workshop. The European Commission Humanitarian Aid Office (ECHO) continued to support ICRC, and to provide food to local residents and internally displaced persons. It also funded an income-generating programme, "Agriculture, trade and craft", which will benefit approximately 53,700 people. Médecins sans Frontières-France continued its drug distributions and medical consultations. It supports the Sukhumi City Hospital and a tuberculosis treatment programme. The Spanish non-governmental organization Accion contra el Hambre continued to run the World Food Programme's "food-for-work" project, which benefits 13,550 families, and plans a new project, to be funded by ECHO and SDC, to improve the food security of 1,610 vulnerable families on both sides of the ceasefire line. The HALO Trust continued demining in the Sukhumi, Ochamchira and Gali districts. HALO found and destroyed 97 anti-personnel mines, 7 anti-tank mines and 250 items of unexploded ordnance during the reporting period. In July, it received permission from the Abkhaz authorities to operate in the upper Gali district.

30. UNOMIG continued to complement this assistance by implementing its own quick-impact projects. Since its inception in November 2002, 66 projects have been approved, of which 43 have now been completed. The projects continue to receive wide public acceptance, particularly on the Zugdidi side, and the support of the local authorities. During the reporting period, the trust fund for the quick-impact projects received a contribution from the Government of Switzerland of US $28,000 and a pledge from the Government of the United Kingdom of Great Britain and Northern Ireland.

VII. Observations

31. The Georgian-Abkhaz peace process has come perilously close to a standstill. While my Special Representative is still in close and frequent contact with both sides, the parties themselves have not met at the political level since July, and even the regular working level contacts through the weekly quadripartite meetings and joint fact-finding group are suspended. It is to be hoped that, that after the October "elections", the Abkhaz side will muster the political will to return to the established forums of the United Nations-led peace process without preconditions, and to seek solutions at the negotiating table. At the same time, I urge the Georgian side to maintain its commitment to pursuing the settlement of the conflict in Abkhazia and other internal disputes exclusively by peaceful means. My Special Representative will continue her efforts in that direction with the support of the

Group of Friends. I remain deeply convinced that further progress in the peace process is possible only through participation of both sides in genuine negotiations, which should ultimately address the core issue of the conflict, namely the political status of Abkhazia within the State of Georgia.

32. During the period under review, UNOMIG continued efforts to alleviate the suffering of the local population and internally displaced persons through facilitating economic rehabilitation in the zone of conflict and attracting international donors, including the European Union. Such efforts, however, can be sustained only if the parties themselves contribute to the creation of stability and prosperity on both sides of the ceasefire line by engaging in meaningful negotiations.

33. The security of United Nations personnel must be upheld. I urge both sides effectively to ensure the safety of UNOMIG at all times and to identify and bring to justice the perpetrators of criminal acts, including those responsible for the ambush of a UNOMIG bus in Sukhumi in September 1998, the shooting-down of a UNOMIG helicopter in the Kodori Valley in October 2001 and those involved in the hostage-taking incidents. Effective cooperation on security-related matters will also facilitate the resumption of regular patrolling in the Kodori Valley, which remains an essential part of the UNOMIG mandate.

34. In conclusion, I would like to pay tribute to the dedicated efforts of my Special Representative, Heidi Tagliavini, and to her outgoing Deputy Roza Otunbayeva for their untiring efforts, professionalism and leadership during this challenging period, to the Chief Military Observer Major General Hussein Ghobashi, and all the men and women of UNOMIG for carrying out their duties with courage and perseverance, under demanding and often dangerous circumstances.

Annex

Countries providing military observers and civilian police personnel (as at 1 October 2004)

Country	*Military observers*
Albania	3
Austria	2
Bangladesh	7
Czech Republic	5
Denmark	4
Egypt	5*
France	3
Germany	12
Greece	5
Hungary	7
Indonesia	4
Jordan	8
Pakistan	8
Poland	6
Republic of Korea	7
Russian Federation	3
Sweden	2
Switzerland	4
Turkey	5
Ukraine	5
United Kingdom of Great Britain and Northern Ireland	7
United States of America	2
Uruguay	3
Total	**117**

* Including the Chief Military Observer.

Country	*Civilian police personnel*
Germany	4
Hungary	2
Poland	1
Switzerland	3
Russian Federation	1
Total	**11**

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Department of Peacekeeping Operations
Cartographic Section